

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-1003X

November 20, 2007

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

SEA served an Environmental Assessment (EA) for this proceeding on November 2, 2007 for public review and comment. In the EA, SEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments

SEA received one comment after issuance of the EA. Michael Barron Jr., on behalf of Mohall Central Railroad, Inc. (MHC), submitted a comment requesting that SEA change one of its recommend conditions to include a sentence stating that nothing more is required with regard to a sale of land to the U.S. Fish and Wildlife Service (USFWS). USFWS already owns three parcels of land in the area of the proposed abandonment but may not own the railroad right-of-way going through the parcels. USFWS does not have any concerns regarding salvage but would like to acquire title to the railroad right-of-way. MHC is concerned that the Board would force a sale of these lands to USFWS after the abandonment.

SEA believes that MHC's concerns regarding the sale of land do not belong in SEA's environmental analysis. SEA's recommended condition is self executing and merely requires that MHC consult with USFWS. Therefore, there is no need to change the language of the condition.

Conclusions

The EA comment period had ended. Accordingly, SEA recommends that the following conditions previously recommended in the EA should be imposed upon any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, Mohall Central Railroad, Inc. shall consult with the United States Fish and Wildlife Service regarding the sale of lands in the area of the proposed abandonment that fall within the National Wildlife Refuge System.

2. Prior to commencement of any salvage activities, Mohall Central Railroad, Inc. shall consult with the North Dakota Department of Health to ensure that it follows proper salvage and disposal methods and shall comply with its reasonable requirements.

If the above conditions are imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

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